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CrI.A.No.730 of 2016

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.11.2023

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THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA

CrI.A.No.730 of 2016

A.V.Shanmugasundaram

... Appellants/A2

Vs.

State by,
The Deputy Superintendent of Police,
BS&FC/CBI/Bangalore.
RC No.4/E/1996/BLR
RC No.1/E/1997/BLR

... Respondent

PRAYER: The Criminal Appeal is filed under Section 374(2) of Cr.P.C., to set aside the conviction and sentence imposed by the learned Principal Special Judge for CBI cases, VIII Additional City Civil Court, Chennai in C.C.No.29 of 1999 dated 29.09.2016.

For Appellant : Mr.Nagaraj

For Respondent : Mr.K.Srinivasan,
Special Public Prosecutor for CBI Cases



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JUDGMENT

The accused No.2 in RC.4(E)/96/BLR and RC 1(E)/97/BLR for the offences punishable under Sections 120-B IPC read with 420 IPC and 13(2) read with 13(1)(c) and 13 (1) (d) of Prevention of Corruption Act, 1988, has come up with the present Criminal Appeal challenging the judgment rendered by the Principal Special Judge for CBI Cases, VIII Additional City Civil Court, Chennai, in C.C.No.29 of 1999 dated 29.09.2016 convicting him for the offence under Section 13(2) read with 13(1) (d) of the Prevention of Corruption Act, 1988 and sentencing to undergo imprisonment for one year and also to pay a fine of Rs.10,000/-, in default to undergo simple imprisonment for three months.

2. Today, when the appeal is taken up for hearing, Mr.K.Srinivasan, learned Special Public Prosecutor for CBI Cases, appearing for the respondent brought to the notice of this Court that the appellant, who is A2 is the former AGM(Credit), Indian Bank, Madras, was also convicted in yet another case in C.C.No.66 of 2000 by the XI Additional Judge for the CBI



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Cases, Chennai, and against such conviction and sentence, Criminal Appeal No.222 of 2009 has been filed before this Court, however when the said appeal was listed for hearing on 14.12.2022, it was reported by the learned counsel for the appellant that the appellant expired pending the appeal way back in the year 2019 and recording the said submission, the appeal has been dismissed as abated.

3. At this stage, learned counsel for the appellant submitted that the legal heirs of the deceased appellant are not interested in pursuing the present appeal and appropriate orders may be passed.

4. In view of the above submission and the charges levelled against the appellant/A2 got abated, the criminal appeal stands dismissed as abated.

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To
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1. The Principal Special Judge for CBI Cases,
VIII Additional City Civil Court,
Chennai -104.
2. The Deputy Superintendent of Police,
CBI, BS & FC., Bangalore.
3. The Public Prosecutor,
High Court, Madras.



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A.D.JAGADISH CHANDIRA,J.

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